Richard Abraham
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November 20, 2019

Abby Stockwell
Department of Ecology
P.O. Box 47600
Olympia WA 98503

Vincent McGowan, P.E. Manager
Program Development Services Section
Warter Quality Program

RE: Department of Ecology's Granting of Water Quality Certification: Administrative Order 16552 Whidbey Naval Air Station

To whom it May Concern,

letter concerns the above referenced permit and Administrative Order which gave approval to the EPA's proposed permit WAA 026611.

At issue are the on-going illicit discharges of PFASs in stormwater discharged from Whidbey Naval Air Station to Clover Valley Greek, the retention lagoon and Dugualla Bay. A summary results from the Navy's testing of this stormwater is attached.

The sampling results recently made available to the public, after repeated requests from concerned citizens, indicates that the Navy was aware of on-going discharges of PFAS's nine or ten months before Ecology issued the Administrative Order and 401 Certification.

Ecology's 410 Certification was issued, in part, on the condition that the discharges at issue in EPA' proposed permit, " would not cause or tend to cause pollution of the waters of the Sate of Washington. (RCW 90.48.080)"

Also stated is the fact that on-going discharges of are not to be permitted

4. Non Stormwater Discharges (Section 1.3.4)
   a. Section 1.3.4.2 of the Permit shall specify that authorized non-stormwater discharges include firefighting activities that occur ***during*** the emergency firefighting activities, not ***after*** the emergency has ceased. During cleanup, non-stormwater discharges to the MS4 are prohibited. (RCW 90.48.010 and 90.54.020(3)(b))

EPA was not aware of the on-going PFAS discharges when it drafted and proposed the permit. Either Ecology was not made aware of the Navy's PFAS contaminated discharges, or Ecology knew of the discharges and ignored them when it gave the go ahead in EPA's draft permit.

Ecology should not dismiss these discharges on the grounds that the PFASs are "legacy" pollutants being addressed in the Navy's Superfund remediation activities. The Navy still has, and uses PFAS containing fire-fighting foam (AFFF). The Navy claims it no longer uses this foam in training activities but admits it uses it when there are accidents that involve or might involve a fire.

The Navy further acknowledges that that they are not sure how PFAS's are entering the stormwater system, which is another reason Ecology and EPA can't conclude that they originate groundwater that migrates from one of the Superfund sites on WNAS.

If PFASs in the stormwater do originate from a Superfund site, then they are going to contain other toxic chemicals—chemicals that the Navy hasn't acknowledged and Ecology should be concerned about. Note that the Navy has not released its testing of stormwater conducted prior to September of 2018.

Something is very wrong with what has happened here. Due diligence was not done and the public and its waters are not being protected. The NPDES permit that Ecology certified as being adequately protective in June of 2019 does not reflect the reality of WNAS's operations at that time or since then.

Ecology should call for the permit to be re-written and a new public comment period set. Please consider this an open letter to be shared with all interested parties.

Sincerely,

Rick Abraham

From: Richard Abraham (b) (6)
Sent: Wednesday, November 20, 2019 11:37 AM
To: Abbey.stockwell@ecy.wa.gov
Cc: eleanor.ott@ecy.wa.gov; marla.koberstein@ecy.wa.gov; Molloy, Jennifer; Vakoc, Misha
Subject: Letter to DOE
Attachments: 11-20-19 Letter to DOE.pdf

Rick Abraham

From: Richard Abraham (b) (6)
Sent: Monday, November 25, 2019 1:02 PM
To: Molloy, Jennifer
Cc: Vakoc, Misha
Subject: NEWS FROM EPA - Navy Discharge Permit Action

Ms Molloy,

Its good to hear that EPA will still accepts public comments on the proposed permit, and that a new public comment will be set if the proposed permit is revised. If EPA is still taking comments on what was proposed, then EPA needs to inform people of that fact. As you know, the public has been told by EPA that the public comment period ended November 14.

EPA has a list of those sent the Fact Sheet and Notice of Opportunity for Public Comment, including Tribes, elected officials, and members of the public. All need to be notified that they can still make comments. As you pointed out, their comments might be helpful in the EPA's current review of the pending proposed permit.

I am a boat owner that uses the waters impacted by WNAS's stormwater discharges. I would like to be on the mailing list regarding this permit.

Sincerely,

Rick Abraham

FYI EPA
On Nov 25, 2019, at 10:15 AM, Molloy, Jennifer <molloy.jennifer@epa.gov> wrote:

Yes – if the permit is revised in any notable way, we will open another public comment period. It's not our intent to short-shrift public input; we only wanting to ensure that people are not commenting on an outdated version of the permit, if it turns out that we modify it. There's no decision on that yet. Meanwhile, we will continue to take comments and suggestions, if people want to submit them.

Jenny Molloy
U.S. EPA

Water Permits Division
202.564.1939
molloy.jennifer@epa.gov

From: Richard Abraham (b) (6)
Sent: Monday, November 25, 2019 12:56 PM
To: Molloy, Jennifer <molloy.jennifer@epa.gov>
Subject: Re: Update on Draft Naval Air Station Whidbey Island MS4 Permit Action

Ms Molloy,
I will convey to others what you have conveyed to me. Will EPA open another comment
period if the permit is revised? As you know, the public was not aware of the true

nature of the permitted's discharges during much of the previous public comment period. They should not be twice denied the time and opportunity to make fully informed comments.
Thanks,

Rick Abraham

On Nov 25, 2019, at 9:23 AM, Molloy, Jennifer <molloy.jennifer@epa.gov> wrote:

I just want to clarify for you that the U.S. Environmental Protection Agency has not issued the Naval Air Station Whidbey Island municipal separate storm sewer system (MS4) permit. As you know the public notice period just closed on November 14. We are: 1) considering all comments received, and 2) consulting with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the possible effects on endangered species. Both of these tasks will inform our decision about this permit. We appreciate the public interest and the local concerns about this permit.

Perhaps some additional context on the purpose of this particular permit would also be helpful. This permit would not authorize new discharges or activities, and the permit would not have a bearing on the Navy's other environmental compliance responsibilities at the air station. Rather, it would require the Navy to implement a number of pollution controls on the existing municipal storm sewer discharges that have been ongoing for many years every time there is a notable amount of rainfall. More information on the scope of the municipal separate storm sewer system (MS4) program is available at: https://www.epa.gov/npdes/stormwater-discharges-municipal-sources.

Jenny Molloy
U.S. EPA
Water Permits Division
202.564.1939
molloy.jennifer@epa.gov

Rick Abraham

Rick Abraham

From: Richard Abraham (b) (6)
Sent: Wednesday, November 20, 2019 1:21 PM
To: Abbey.stockwell@ecy.wa.gov
Cc: eleanor.ott@ecy.wa.gov; marla.koberstein@ecy.wa.gov; Molloy, Jennifer; Vakoc, Misha
Subject: Re: Letter to DOE
Attachments: 11-20-19 Letter to DOE.pdf; SAMPLE RESULTS.xlsx.pdf

Attached are there sample results I referenced but failed to attach to my previous email.

On Nov 20, 2019, at 11:37 AM, Richard Abraham (b) (6) wrote:

Rick Abraham

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CLOVER VALLEY CREEK AND LAKE AREA SURFACE WATER SAMPLES

Analysis Reports can be found at: https://www.navfac.navy.mil/navfac_worldwide/pacific/fecs/northwest/ab

Analyte - CAS Number - Conc. (ng/L) - DL - LOD - LOQ - Qualifiers - Batch - Extracted - Samp Size - Analyzed Dilution

	PFAS	AMNT
PFBS 375-73-5 8.93 3.01 4.39 8.78 B8J0009 02-Oct-18 0.114 L 04-Oc	**PFBS**	8.93
PFHxA 307-24-4 23.5 3.01 4.39 8.78 B8J0009 02-Oct-18 0.114 L 04-(	**PFHxA**	23.5
PFHpA 375-85-9 7.45 3.01 4.39 8.78 J B8J0009 02-Oct-18 0.114 L 04	**PFHpA**	7.45
PFHxS 355-46-4 46.7 3.01 4.39 8.78 B8J0009 02-Oct-18 0.114 L 04-C	**PFHxS**	46.7
PFOA 335-67-1 28.7 3.01 4.39 8.78 B8J0009 02-Oct-18 0.114 L 04-O	**PFOA**	28.7
PFNA 375-95-1 ND 3.01 4.39 8.78 B8J0009 02-Oct-18 0.114 L 04-Oct	**PFNA**	ND
PFOS 1763-23-1 143 3.01 4.39 8.78 B8J0009 02-Oct-18 0.114 L 04-O	**PFOS**	143
	TOTAL	258.28

PFBS 375-73-5 10.5 2.92 4.27 8.52 B8K0215 02-Dec-18 0.117 L 04-De	**PFBS**	**10.5**	Sample ID: PFC-AF-01-03-112918
PFHxA 307-24-4 27.9 2.92 4.27 8.52 B8K0215 02-Dec-18 0.117 L 04-	**PFHxA**	**27.9**	Matrix:
PFHpA 375-85-9 11.2 2.92 4.27 8.52 B8K0215 02-Dec-18 0.117 L 04-	**PFHpA**	**11.2**	Laboratory Data
PFHxS 355-46-4 56.5 2.92 4.27 8.52 B8K0215 02-Dec-18 0.117 L 04-D	**PFHxS**	**56.5**	Lab Sample: 1803788-03
PFOA 335-67-1 31.6 2.92 4.27 8.52 B8K0215 02-Dec-18 0.117 L 04-D	**PFOA**	**31.6**	PFAS Isotope Dilution Method
PFNA 375-95-1 ND 2.92 4.27 8.52 B8K0215 02-Dec-18 0.117 L 04-De	**PFNA**		SKOOKUM Contract Services Aqueous Column: BEH C18
PFOS 1763-23-1 124 2.92 4.27 8.52 B8K0215 02-Dec-18 0.117 L 04-D	**PFOS**	**124**	29-Nov-18 12:20 Date Received: 30-Nov-18 10:50
	TOTAL	**261.7**	Location: (b) (6)

PFBS 375-73-5 10.5 2.92 4.27 8.52 B8K0215 02-Dec-18 0.117 L 04-De	**PFBS**	**10.5**	Sample ID: PFC-AF-01-03-121918
PFHxA 307-24-4 19.0 3.09 4.50 9.03 B8L0181 27-Dec-18 0.111 L 30-D	**PFHxA**	**19**	Matrix:
PFHpA 375-85-9 8.28 3.09 4.50 9.03 J B8L0181 27-Dec-18 0.111 L 30	**PFHpA**	**8.28**	Laboratory Data
PFHxS 355-46-4 57.0 3.09 4.50 9.03 B8L0181 27-Dec-18 0.111 L 30-D	**PFHxS**	**57**	Lab Sample: 1804146-03
PFOA 335-67-1 22.4 3.09 4.50 9.03 B8L0181 27-Dec-18 0.111 L 30-D	**PFOA**	**22.4**	PFAS Isotope Dilution Method
PFNA 375-95-1 ND 3.09 4.50 9.03 B8L0181 27-Dec-18 0.111 L 30-De	**PFNA**		SKOOKUM Contract Services Aqueous Column: BEH C18
PFOS 1763-23-1 68.1 3.09 4.50 9.03 B8L0181 27-Dec-18 0.111 L 30-D	**PFOS**	**68.1**	**19-Dec-18** 12:30 Date Received: 20-Dec-18 10:12
	TOTAL	**185**	Location: (b) (6)

PFBS 375-73-5 13.8 3.02 4.42 8.82 B9A0086 11-Jan-19 0.113 L 14-Ja	**PFBS**	**13.8**	PFC Monthly Sites, FY19 Dec
PFHxA 307-24-4 25.1 3.02 4.42 8.82 B9A0086 11-Jan-19 0.113 L 14-J	**PFHxA**	**25.1**	Sample ID: PFC-AF-01-03-010819
PFHpA 375-85-9 9.78 3.02 4.42 8.82 B9A0086 11-Jan-19 0.113 L 14-J	**PFHpA**	**9.78**	Matrix:
PFHxS 355-46-4 79.4 3.02 4.42 8.82 B9A0086 11-Jan-19 0.113 L 14-J	**PFHxS**	**79.4**	Laboratory Data
PFOA 335-67-1 31.2 3.02 4.42 8.82 B9A0086 11-Jan-19 0.113 L 14-Ja	**PFOA**	**31.2**	Lab Sample: 1900091-03
PFNA 375-95-1 ND 3.02 4.42 8.82 B9A0086 11-Jan-19 0.113 L 14-Jan	**PFNA**		PFAS Isotope Dilution Method
PFOS 1763-23-1 81.9 3.02 4.42 8.82 B9A0086 11-Jan-19 0.113 L 14-J	**PFOS**	**81.9**	SKOOKUM Contract Services Aqueous Column: BEH C18
	TOTAL	**241.18**	**08-Jan-19** 09:00 Date Received: 10-Jan-19 10:47
			Location: (b) (6)
PFBS 375-73-5 14.5 3.06 4.46 8.93 B9C0010 04-Mar-19 0.112 L 05-M	**PFBS**	**14.5**	Client Data
PFHxA 307-24-4 23.6 3.06 4.46 8.93 B9C0010 04-Mar-19 0.112 L 05-	**PFHxA**	**23.6**	PFC Monthly Sites, Part A, FY19 Feb
PFHpA 375-85-9 11.4 3.06 4.46 8.93 B9C0010 04-Mar-19 0.112 L 05-	**PFHpA**	**11.4**	Sample ID: PFC-AF-M-03-022619
PFHxS 355-46-4 90.8 3.06 4.46 8.93 B9C0010 04-Mar-19 0.112 L 05-	**PFHxS**	**90.8**	Matrix:
PFOA 335-67-1 30.9 3.06 4.46 8.93 B9C0010 04-Mar-19 0.112 L 05-M	**PFOA**	**30.9**	Laboratory Data
PFNA 375-95-1 ND 3.06 4.46 8.93 B9C0010 04-Mar-19 0.112 L 05-M	**PFNA**		Lab Sample: 1900381-03
PFOS 1763-23-1 95.5 3.06 4.46 8.93 B9C0010 04-Mar-19 0.112 L 05-	**PFOS**	**95.5**	PFAS Isotope Dilution Method
	TOTAL	**266.7**	SKOOKUM Contract Services Aqueous Column: BEH C18
			26-Feb-19 12:50 Date Received: 01-Mar-19 11:19
			Location: (b) (6)
PFBS 375-73-5 **11.6** 3.00 4.39 8.77 B9C0141 21-Mar-19 0.114 L 22-M	**PFBS**	**11.6**	Client Data
PFHxA 307-24-4 26.0 3.00 4.39 8.77 B9C0141 21-Mar-19 0.114 L 22-	**PFHxA**	**26**	PFC Monthly Sampling, FY19 Mar
PFHpA 375-85-9 10.5 3.00 4.39 8.77 B9C0141 21-Mar-19 0.114 L 22-	**PFHpA**	**10.5**	Sample ID: PFC-AF-01-03-031819
PFHxS 355-46-4 76.2 3.00 4.39 8.77 B9C0141 21-Mar-19 0.114 L 22-	**PFHxS**	**76.2**	Matrix: Location: E Property, Map Grid E13
PFOA 335-67-1 36.5 3.00 4.39 8.77 B9C0141 21-Mar-19 0.114 L 22-M	**PFOA**	**36.5**	Laboratory Data
PFNA 375-95-1 ND 3.00 4.39 8.77 B9C0141 21-Mar-19 0.114 L 22-M	**PFNA**		Lab Sample: 1900494-03
PFOS 1763-23-1 89.5 3.00 4.39 8.77 B9C0141 21-Mar-19 0.114 L 22-	**PFOS**	**89.5**	PFAS Isotope Dilution Method
	TOTAL	**250.3**	SKOOKUM Contract Services Aqueous Column: BEH C18
			18-Mar-19 10:10 Date Received: 20-Mar-19 11:18

PFBS 375-73-5 7.72 3.03 4.42 8.86 J B9D0164 19-Apr-19 0.113 L 22-A	**PFBS**	**7.72**	Client Data Location: (b) (6)
PFHxA 307-24-4 21.1 3.03 4.42 8.86 B9D0164 19-Apr-19 0.113 L 22-	**PFHxA**	**21.1**	PFC Monthly Sampling Part A, FY19 Apr
PFHpA 375-85-9 7.81 3.03 4.42 8.86 J, Q B9D0164 19-Apr-19 0.113 L	**PFHpA**	**7.81**	Sample ID: PFC-AF-01-03-041219
PFHxS 355-46-4 52.3 3.03 4.42 8.86 B9D0164 19-Apr-19 0.113 L 22-A	**PFHxS**	**52.3**	Matrix: PFC Monthly Sampling Part A, FY19 May
PFOA 335-67-1 25.1 3.03 4.42 8.86 B9D0164 19-Apr-19 0.113 L 22-A	**PFOA**	**25.1**	Laboratory Data
PFNA 375-95-1 ND 3.03 4.42 8.86 B9D0164 19-Apr-19 0.113 L 22-Ap	**PFNA**		Lab Sample: 1900780-03
PFOS 1763-23-1 60.9 3.03 4.42 8.86 B9D0164 19-Apr-19 0.113 L 22-	**PFOS**	**60.9**	PFAS Isotope Dilution Method
	TOTAL	**174.93**	SKOOKUM Contract Services Aqueous Column: BEH C18
			12-Apr-19 10:55 Date Received: 18-Apr-19 09:41

PFBS 375-73-5 9.79 2.95 4.31 8.60 B9E0080 10-May-19 0.116 L 13-M	**PFBS**	**9.79**	Sample ID: PFC-AF-01-03-050719
PFHxA 307-24-4 26.9 2.95 4.31 8.60 B9E0080 10-May-19 0.116 L 13-	**PFHxA**	**26.9**	Matrix:
PFHpA 375-85-9 8.44 2.95 4.31 8.60 J B9E0080 10-May-19 0.116 L 1	**PFHpA**	**8.44**	Laboratory Data
PFHxS 355-46-4 66.8 2.95 4.31 8.60 B9E0080 10-May-19 0.116 L 13-	**PFHxS**	**66.8**	Lab Sample: 1901042-03
PFOA 335-67-1 38.8 2.95 4.31 8.60 B9E0080 10-May-19 0.116 L 13-M	**PFOA**	**38.8**	PFAS Isotope Dilution Method
PFNA 375-95-1 ND 2.95 4.31 8.60 B9E0080 10-May-19 0.116 L 13-M	**PFNA**		SKOOKUM Contract Services Aqueous Column: BEH C18
PFOS 1763-23-1 79.7 2.95 4.31 8.60 B9E0080 10-May-19 0.116 L 13-	**PFOS**	**79.7**	**07-May-19** 10:15 Date Received: 09-May-19 09:44
	TOTAL	**230.43**	Location: (b) (6)

PFBS 375-73-5 7.81 2.99 4.39 8.74 J B9F0133 17-Jun-19 0.114 L 18-J	**PFBS**	**7.81**	Sample ID: PFC-AF-01-03-061119
PFHxA 307-24-4 18.0 2.99 4.39 8.74 B9F0133 17-Jun-19 0.114 L 18-J	**PFHxA**	**18**	Matrix: PFC Monthly Sampling - FY19 June
PFHpA 375-85-9 6.17 2.99 4.39 8.74 J B9F0133 17-Jun-19 0.114 L 18	**PFHpA**	**6.17**	Laboratory Data
PFHxS 355-46-4 46.4 2.99 4.39 8.74 B9F0133 17-Jun-19 0.114 L 18-Ju	**PFHxS**	**46.4**	Lab Sample: 1901559-03
PFOA 335-67-1 23.1 2.99 4.39 8.74 B9F0133 17-Jun-19 0.114 L 18-Ju	**PFOA**	**23.1**	PFAS Isotope Dilution Method
PFNA 375-95-1 ND 2.99 4.39 8.74 B9F0133 17-Jun-19 0.114 L 18-Jun	**PFNA**	**ND**	SKOOKUM Contract Services Aqueous Column: BEH C18
PFOS 1763-23-1 57.8 2.99 4.39 8.74 B9F0133 17-Jun-19 0.114 L 18-J	**PFOS**	**57.8**	**11-Jun-19** 14:20 Date Received: 13-Jun-19 09:59
	TOTAL	**159.28**	Location: (b) (6)

PFBS 375-73-5 7.95 2.97 4.35 8.66 J B9G0126 13-Jul-19 0.115 L 17-Ju	**PFBS**	**7.95**	Sample ID: PFC-AF-01-03-071019
PFHxA 307-24-4 21.4 2.97 4.35 8.66 B9G0126 13-Jul-19 0.115 L 17-Ju	**PFHxA**	**21.4**	Matrix: PFC Monthly Sampling Part A, FY19 Jul
PFHpA 375-85-9 5.74 2.97 4.35 8.66 J B9G0126 13-Jul-19 0.115 L 17-	**PFHpA**	**5.74**	Laboratory Data
PFHxS 355-46-4 47.2 2.97 4.35 8.66 B9G0126 13-Jul-19 0.115 L 17-Ju	**PFHxS**	**47.2**	Lab Sample: 1902057-03
PFOA 335-67-1 23.0 2.97 4.35 8.66 B9G0126 13-Jul-19 0.115 L 17-Ju	**PFOA**	**23**	PFAS Isotope Dilution Method
PFNA 375-95-1 ND 2.97 4.35 8.66 B9G0126 13-Jul-19 0.115 L 17-Jul-	**PFNA**		SKOOKUM Contract Services Aqueous Column: BEH C18
PFOS 1763-23-1 58.3 2.97 4.35 8.66 B9G0126 13-Jul-19 0.115 L 17-Ju	**PFOS**	**58.3**	10-Jul-19 08:40 Date Received: 11-Jul-19 11:16
	TOTAL	**163.59**	Location: (b) (6)
	PFBS	**8.24**	Sample ID: PFC-AF-01-03-082719
PFHxA 307-24-4 19.9 3.14 4.59 9.17 B9H0347 30-Aug-19 0.109 L 04-	**PFHxA**	**19.9**	Matrix:
PFHpA 375-85-9 5.43 3.14 4.59 9.17 J B9H0347 30-Aug-19 0.109 L 04	**PFHpA**	**5.43**	Laboratory Data
PFHxS 355-46-4 44.3 3.14 4.59 9.17 B9H0347 30-Aug-19 0.109 L 04-S	**PFHxS**	**44.3**	Lab Sample: 1902866-03
PFOA 335-67-1 39.3 3.14 4.59 9.17 B9H0347 30-Aug-19 0.109 L 04-S	**PFOA**	**39.3**	PFAS Isotope Dilution Method
PFNA 375-95-1 ND 3.14 4.59 9.17 B9H0347 30-Aug-19 0.109 L 04-Se	**PFNA**		SKOOKUM Contract Services Aqueous Column: BEH C18
PFOS 1763-23-1 76.5 3.14 4.59 9.17 B9H0347 30-Aug-19 0.109 L 04-	**PFOS**	**76.5**	**27-Aug-19** 14:05 Date Received: 29-Aug-19 10:09
	TOTAL	**193.67**	Location: #3 E. Property Grid E13
PFBS 375-73-5 3.39 3.05 4.46 8.90 J B9I0195 23-Sep-19 0.112 L 24-S	**PFBS**	**3.39**	Sample ID: PFC-AF-01-03-091719
PFHxA 307-24-4 14.1 3.05 4.46 8.90 B9I0195 23-Sep-19 0.112 L 24-S	**PFHxA**	**14.1**	Matrix: PFC Monthly Sampling - FY19 Sep
PFHpA 375-85-9 5.46 3.05 4.46 8.90 J B9I0195 23-Sep-19 0.112 L 24-	**PFHpA**	**5.46**	Laboratory Data
PFHxS 355-46-4 36.7 3.05 4.46 8.90 B9I0195 23-Sep-19 0.112 L 24-S	**PFHxS**	**36.7**	Lab Sample: 1903180-03
PFOA 335-67-1 20.3 3.05 4.46 8.90 B9I0195 23-Sep-19 0.112 L 24-Se	**PFOA**	**20.3**	PFAS Isotope Dilution Method
PFNA 375-95-1 ND 3.05 4.46 8.90 B9I0195 23-Sep-19 0.112 L 24-Sep	**PFNA**		SKOOKUM Contract Services Aqueous Column: BEH C18
PFOS 1763-23-1 50.4 3.05 4.46 8.90 B9I0195 23-Sep-19 0.112 L 24-S	**PFOS**	**50.4**	**17-Sep-19** 14:45 Date Received: 19-Sep-19 10:28
	TOTAL	**130.35**	Location: (b) (6)